



## RETAIL FOODS REGULATORY CLARIFICATIONS

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Retail Foods Division  
Texas Department of Health

November 1, 2000  
RFRC - No. 3

### **SUBJECT: GROWING "WHEAT GRASS" TO ADD TO BEVERAGES**

#### **Applicable Texas Food Establishment Rules (TFER) Sections:**

Section 229.164(a) Condition safe, unadulterated, and honestly presented.  
Section 229.164(b) Approved sources.

#### **Question:**

Is it a violation for a Food establishment to grow and cultivate "wheat grass" to mix with health food type drinks?

#### **Response:**

There is no provision in TFER that would prevent an establishment from growing wheat grass to serve in drinks.

#### **Support:**

The same types of issues should be considered for the sprouting of wheat grass seeds as are considered for the sprouting and growing of other seeds, such as alfalfa. Section 229.164(a) states that "Food shall be safe, unadulterated, and ... honestly presented." The consumption of raw sprouts has been associated with an increasing number of illnesses in the last few years, so an emphasis is placed on the sprouts to be safe and unadulterated.

The Food and Drug Administration (FDA) has issued numerous advisories and guidance documents that warn about the risks associated with raw sprouts. One such document, entitled, "Reducing Microbial Food Safety Hazards For Sprouted Seeds", discusses the necessity of sanitary conditions for all aspects of seed and sprout production. Although the document is directed to the manufacturing industry, many of the principles would apply to the growing of sprouts or grasses at the level of the retail food establishment. The seeds and sprouts need to be stored and handled to prevent the contamination with any

pathogens. The conditions under which sprouts and wheat grass are grown are ideal for the rapid growth of any bacteria that may be present. Good employee hygiene practices and properly maintained equipment are required to keep the wheat grass safe and unadulterated.

Section 229.164(b)(1)(A) states that "Food shall be obtained from sources that comply with applicable laws and are licensed by the state regulatory authority having jurisdiction over the processing and distribution of the food." It is critical that the wheat grass is grown from seeds that are processed and obtained from an approved source. The FDA recognizes in its guidance documents that the seeds can contain pathogens and recommends using various treatments to reduce the number of pathogens during the processing of the seeds. Obtaining the seeds from an approved seed producer should decrease the potential for getting contaminated seeds.

The conclusion is that a retail food establishment can grow and cultivate wheat grass to add to beverages or other food. Procedures must be in place to keep the grass or sprouts from being contaminated. The seeds must also be obtained from an approved source.

#### Response To:

E-mail from Perry Robinson of the Town of Flower Mound on September 21, 2000.

Agree to form and substance:



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Steven C. McAndrew, Director  
Retail Foods Division

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